

### **AFFIDAVIT**

Your Affiant, Special Agent Daniel Lajack, being duly sworn, deposes and states:

Affiant, Daniel Lajack, is an employee of the Lake County Narcotics Agency (LCNA), Painesville, Lake County, Ohio, as a Special Agent, since July 2000, and is currently assigned as a Task Force Officer (TFO) with the United States Department of Justice (DOJ), Drug Enforcement Administration (DEA), within the meaning of Section 878(a) of Title 21, United States Code, that is an officer who is empowered by law to conduct investigations, make arrests, execute search warrants, and seize property in connection with violations of Title 18, United States Code and Title 21, United States Code. Affiant is a TFO for the DEA, and has been assigned to the Cleveland District Office (CDO) in Cleveland, Ohio, since October 2016.

### **TRAINING AND EXPERIENCE**

Affiant has received specialized training in conducting narcotics investigations from the Ohio Peace Officer Training Academy, the Narcotics Association of Regional Coordinating Officers, the DEA Training Academy in Quantico, Virginia, the United States Attorney's Office, the Northeast Counterdrug Training Center, Ohio High Intensity Drug Trafficking Area, and other law enforcement training centers regarding the identification of narcotic controlled substances and the operation of drug trafficking organizations.

Affiant has also been involved in the investigation of numerous individuals and organizations involved in the manufacturing, distribution, and use of controlled substances. During Affiant's employment as a Special Agent with LCNA, and DEA as a Task Force Officer, Affiant has also worked in an undercover capacity for the purpose of purchasing and/or delivering controlled substances; and has participated in the preparation of affidavits in support of numerous search and arrest warrants for violations of federal drug laws contained in Title 21, United States Code, as well as in the execution of the same.

In addition, Affiant has on numerous occasions, as a Special Agent with LCNA and with DEA as a Task Force Officer, made seizures of contraband, conveyances, currency, drug paraphernalia, and firearms possessed or used in relation to violations of Title 21, United States Code, Section 841. Affiant has successfully conducted numerous investigations that have resulted in the arrest of numerous drug traffickers and the

seizure of significant quantities of drugs and drug-related proceeds. Affiant has further conducted surveillance operations of drug traffickers and has interviewed numerous persons personally involved in drug trafficking. Affiant has also supervised numerous confidential sources during controlled purchases of narcotics. Through this training and experience, Affiant has become familiar with, and has gained a thorough understanding of the methods, manner and means used by individuals engaged in the unlawful manufacturing, trafficking, and use of controlled substances.

Affiant makes this affidavit in support of a complaint to arrest the below individual. This affidavit does not contain each and every piece of information known to Affiant and other investigators, but rather only information sufficient to establish probable cause to support the requested arrest warrant.

This affidavit is being submitted for the limited purpose of establishing probable cause that 1. Leonardo Bustamante, 2. Cesar Perpuly, 3. Paul Ayala, 4. Delmer Perpuly and 5. Ulises Perpuly, have violated Title 21 U.S.C. Sections 846, 841(a)(1) and (b)(1)(A) Conspiracy to Possess with the intent to distribute and distribution of controlled substances

#### **PROBABLE CAUSE**

1. Beginning in July 2019, DEA Investigators in Cleveland, Ohio began receiving information from DEA Investigators in Tucson, Arizona regarding the Drug Trafficking Organization (DTO) consisting of Delmer PERPULY, Ulises PERPULY, Cesar PERPULY. This information indicated that the PERPULY DTO were responsible for facilitating, as well as coordinating, the transportation of kilograms quantities of cocaine from the south-west United States border to the greater Cleveland Area. DEA Cleveland Investigators were particularly advised that the PERPULY DTO regularly traveled to the greater Cleveland area to oversee the delivery of their drug shipments of cocaine as well as their receipt of payment.

2. On January 13, 2020, DEA Tucson Investigators informed DEA Cleveland Investigators that Delmer PERPULY, Ulises PERPULY, Cesar PERPULY, and another associate, later identified as Leonardo BUSTAMANTE, were again in Cleveland Ohio. DEA Cleveland Investigators determined that all four described individuals were staying in an Extended Stay America South hotel located at

3820 Orange Place, Beachwood, Ohio. DEA Cleveland Investigators subsequently engaged in a surveillance operation between January 13 and January 18, 2020, at the above described hotel and the PERPULY DTO.

3. On January 18, 2020, DEA Cleveland Investigators determined that "Delmer Peepuly" rented room number 119 of the Clarion Hotel Beachwood, with a check in date of January 18, 2020 and a check out date of January 20, 2020. It is not known if Delmer PERPULY intentionally provided a misspelled name to the staff at the Clarion Hotel or if it was an error in the booking process by the staff of the hotel. None the less, investigators believe that Delmer PERPULY rented room 119 of the Clarion Hotel in Beachwood Ohio for himself and his drug trafficking associates, which include his brothers and BUSTAMANTE.

4. Later on January 18, 2020, investigators determined, through surveillance and other investigative processes that Delmer PERPULY, Ulises PERPULY, Cesar PERPULY, and BUSTAMANTE had in fact checked out of the Extended Stay America South in Beachwood, and now have rented a hotel room at the Clarion Hotel Beachwood, which is located at 26300 Chagrin Boulevard, Beachwood, Ohio.

5. On January 18, 2020, DEA Cleveland Task Force Officer (TFO) Christopher Giordano received a phone call from a Confidential Source (CS). The CS indicated to TFO Giordano that they needed to meet soon, as the CS has valuable information regarding the PERPULY DTO.

6. TFO Giordano and Special Agent (SA) Heather Grimes subsequently met with the CS. During this meeting, the CS indicated that an individual known to the CS as "Amigo" was in Cleveland, Ohio for the purpose of overseeing the delivery of twenty (20) kilograms of cocaine. The CS stated that "Amigo" was at a hotel with his two brothers and another associate (BUSTAMANTE). Investigators knew "Amigo" to be Delmer PERPULY.

7. DEA Investigators believe that the information provided by the CS is credible and have validated the information to the best possible means. The information provided by the CS also aligns with information gathered throughout the overall investigation of the PERPULY DTO.

8. The CS further stated that earlier, while traveling on the eastside of Cleveland, Delmer PERPULY (aka "Amigo") called the

CS and stated that they (Delmer PERPULY and Ulises PERPULY) believed they were being followed by law enforcement. In particular, Delmer PERPULY stated he observed the same vehicles.

9. Later, the CS spoke again to Delmer PERPULY (aka "Amigo"), while in the presence of TFO Giordano and SA Grimes. During this conversation, Delmer PERPULY ("Amigo") stated that they had left their hotel in their Kia Forte and engaged in more surveillance detection routes to see if they were in fact under surveillance of law enforcement. Upon being satisfied that they were not being watched by law enforcement, Delmer PERPULY (aka "Amigo") stated to the CS that they had returned to the Clarion Hotel and that they would remain there for the remainder of the evening. Also, the CS learned from Delmer PERPULY (aka "Amigo") that Delmer PERPULY, Cesar PERPULY, Ulises PERPULY, and Leonardo BUSTAMANTE were consistency checking the hotel parking lots to see if law enforcement were watching them by looking for new vehicles that were parked in the parking lot, and since it was snowing out, which cars did not have snow on them. The CS learned all four individuals were up all night looking out the hotel windows for law enforcement, and also made video recordings on their cell phones, so they could keep track what vehicles were supposed to be in the parking lot, meaning guests at the hotel.

10. On January 18, 2020 at approximately 3:20 PM, the CS made a recorded phone call, in the presence of DEA Investigators, to "Amigo" (Delmer PERPULY) at 52-1-631-944-0877 pertaining to a pending shipment of cocaine from Chicago, Illinois. In summary, at this time, "Little Brother" (Ulises PERPULY) answered Delmer PERPULY's phone and advised that Delmer PERPULY was sleeping. Ulises PERPULY then explained that he and his brother came and hid in the hotel room after conducting counter surveillance on the way back to the Clarion Hotel in Beachwood, Ohio. The CS later made recorded calls to Delmer PERPULY, on said date, in the presence of DEA Investigators, in which he advised that he believed law enforcement officers were following his vehicle earlier in the afternoon. DELMER PURPULY advised the CS he was staying in for the night at the hotel.

11. On January, 18, 2020, the CS further stated that all three of the previously described PERPULY brothers and BUSTAMANTE had traveled to Cleveland for the explicit purpose of overseeing the delivery of twenty (20) kilograms of cocaine to the CS and other large scale drug traffickers in the greater Cleveland area. The

CS explained to DEA Investigators that the cocaine was supposed to arrive in Cleveland, Ohio from Chicago, Illinois either the night of January 18, 2020 or the following day (January 19, 2020).

12. On January 19, 2020 at approximately 2:14 PM, the CS made a recorded phone call, in the presence of DEA Investigators, to "Amigo" (Delmer PERPULY) at 52-1-631-944-0877. In summary, at this time, "Little Brother" (Ulises PERPULY) answered Delmer PERPULY's phone and advised that Delmer PERPULY was still sleeping. In summary, Ulises PERPULY explained that Delmer PERPULY was up all night to 8:00 AM conducting counter surveillance out the window of the hotel. In summary, the CS and Ulises PERPULY further discussed problems with the heater in the courier vehicle transporting cocaine coming from Chicago, Illinois and agreed to talk or meet later.

13. On January 19, 2020 at approximately 7:10 PM, members of the DEA utilized the CS to conduct a "dry meet" with members of the PERPULY DTO at the Clarion Hotel in Beachwood, Ohio concerning an incoming shipment of 20 kilos of cocaine from Chicago, Illinois. Upon approaching the Hotel entrance, the CS indicated he observed Amigo (Delmer PERPULY) and "Compadre" (Leonardo BUSTAMANTE) coming around the back of the hotel from the East rear parking lot. According to the CS, both individuals advised they observed a black Dodge Charger bearing tinted windows, without snow on the windows, in the rear of parking lot area. Both individuals indicated they would check the Black Dodge Charger again later to see if it remained in the lot without snow on the windows, which meant it was a law enforcement surveillance vehicle. At this time, DEA Agents/Officers were conducting surveillance of the Clarion Hotel in the rear East lot mentioned by both Delmer PERPULY and Leonardo BUSTAMANTE, utilizing a black Dodge Charger. The CS then entered the hotel room with said individuals and further identified Ulises PERPULY and Ceasar PERPULY within the room. The CS then engaged in further conversation with Delmer PERPULY, with all other individuals attentive and present within the hotel room, pertaining to counter surveillance on January 18, 2020. During said conversation, Delemr PERPULY explained how he observed black Dodge Ram Pick-Up truck which was a law enforcement surveillance vehicle utilized by the DEA. Delmer PERPULY further mentioned that individuals in the room had been looking out the window for more cars without snow on them, in essence conducting counter-surveillance for law enforcement



under cover vehicles. Delmer PERPULY then discussed plans to check into a new hotel in the morning, have the CS bring approximately \$500.00 for the courier transporting the cocaine from Chicago, Illinois, and further details of meeting the courier.

14. On January 20, 2020, DEA Investigators learned through the CS that the PERPULY'S and BUSTAMANTE obtained a new hotel room at the TownePlace Suites by Marriott, which is located at 795 Mondial Parkway, Streetsboro, Ohio. Investigators were able to determine through investigative techniques, that they were in room 216 at the TownePlace Suites in Streetsboro, Ohio.

15. Throughout the CS's interaction with the PERPULY DTO members during this timeframe (January 18 through January 20), it should be noted that numerous recorded cellular phone calls and text messages were placed between the CS and Delmer PERPULY, of which, during these recorded phone calls and/or text messages, the CS was instructed to provide an address in the Cleveland, Ohio area for a location that a "load car" could drive to from Chicago, Illinois and meet with the CS and members of the PERPULY DTO. The "Load car" would be the vehicle that contained the 20 kilograms of cocaine secreted in a "trap", or hidden compartment that has been purposely manufactured to conceal contraband and of which, can only be accessed through specific knowledge of the workings of the "trap". The CS provided an address for a Mexican restaurant called El Palenque, which is located at 35520 Vine Street, Eastlake, Lake County, Ohio for the meeting location.

16. The PERPULY DTO also requested a location for the "load car" to be driven to after it arrived at the restaurant, so the 20 kilograms could be taken out. DEA Cleveland, the Lake County Narcotics Agency (LCNA), and the Eastlake Police Department (EPD) were able to locate a vacant residence, located at 1892 East 337th Street, Eastlake, Lake County, Ohio for the residence that the "load car" could be driven to in order to unload the 20 kilograms of cocaine in secret.

17. On January 20, 2020, the CS was instructed by Delmer PERPULY to pick him (Delmer) up and drive to a location in Eastlake, Ohio to facilitate the transaction of approximately 20 kilograms of cocaine. Delmer PERPULY also requested \$500.00 from the CS in order to pay the courier of the "load car".

18. Prior to this being attempted, the residence used by DEA Cleveland (1892 East 337th Street) was equipped with audio and video recording equipment in order to record the ensuing activities of the PERPULY DTO. TFO Dan Lajack, at witnessed by TFO Giordano, searched the CS for any contraband, firearms, and U.S. Currency with negative results. TFO Giordano equipped the CS with an audio recorder/transmitter for the purposes of being monitored and recorded. TFO Giordano, as witnessed by TFO Lajack, searched the CS's vehicle for any contraband, firearms, and U.S. Currency with negative results. The CS's vehicle was also equipped with audio and video recording equipment in order to record the ensuing activities of the PERPULY DTO. The CS was also provided with \$500.00 in LCNA operational funds in order for the CS to pay Delmer PERPULY and the driver of the "load car".

19. Later on January 20, 2020, members of DEA Cleveland, LCNA, EPD, Homeland Security Investigations (HSI), and the Beachwood Police Department (BPD) met in preparation of a meeting with the CS and any members of the PERPULY DTO, which would facilitate the CS receiving approximating 20 kilograms of cocaine during this meeting. The cocaine was to be "fronted" to the CS, with the CS only supplying the "load car" driver with \$500.00 in United States Currency (USC). The anticipated events would result in the arrest of Delmer PERPULY, Cesar PERPULY, Ulises PERPULY, and Leonardo BUSTAMANTE. Again, numerous cellular phone calls were placed between the CS and Delmer PERPULY regarding the coordination of the meeting and transaction of a large quantity of cocaine.

20. At approximately 3:29 PM, the CS arrived at the TownePlace Suites by Marriott, which is located at 795 Mondial Parkway, Streetsboro, Ohio. It should be noted that throughout this entire controlled meeting, the CS was in constant visual surveillance by DEA Investigators. The CS pulled up to the hotel, Delmer PERPULY entered the CS's vehicle and sat in the front passenger seat. At this time, the CS and Delmer PERPULY drove away and began driving to the Mexican restaurant in Eastlake, Ohio.

21. As DEA Investigators were conducting mobile surveillance on the CS and Delmer PERPULY, members of LCNA were conducting surveillance at the El Palenque, which is located at 35520 Vine Street, Eastlake, Lake County, Ohio, in an attempt to observe any vehicles arriving with the State of Illinois license plates.

At approximately 3:44 PM, as the CS and Delmer PERPULY were driving to the restaurant, members of LCNA observed a dark colored 4-door Honda Pilot, bearing Illinois Registration BY47300 (later identified as the "load car"). This vehicle is registered to Paul AYALA, 6437 North Albany Avenue, Chicago, Illinois. This vehicle had hidden within it at least 15 kilograms of cocaine. Investigators observed a Paul AYALA, a Hispanic male exit the Honda Pilot and then enter the restaurant. This individual was later identified as the registered owner Paul AYALA.

22. At approximately 4:07 PM, the CS and Delmer PERPULY arrived at the restaurant. Investigators observed Delmer PERPULY exit the CS's vehicle and enter the restaurant. The CS was instructed to drive around and conduct counter surveillance. Investigators followed the CS to a nearby gas station.

23. At approximately 4:09 PM, Delmer PERPULY enters the Honda Pilot and drives to the gas station, at which time, the CS begins driving to the undercover residence located at 1892 East 377th Street, Eastlake, Ohio. The CS and Delmer PERPULY are driving in tandem, with the CS driving the lead vehicle and Delmer PERPULY is following. DEA Investigators conducted mobile surveillance on both vehicles from the gas station to the above described residence. It was later determined that AYALA remained in the restaurant, while Delmer PERPULY left with the Honda Pilot ("load car") driving in tandem.

24. At approximately 4:23 PM, Delmer PERPULY pulled up the driveway in the "Load car" (Honda Pilot), while the CS pulled up behind the "Load car" (Honda Pilot). The garage door was opened then Delmer PERPULY pulled the "load car" into the garage. The CS entered the garage with Delmer PERPULY, and then the garage door was closed. The CS learned the trap (hidden compartment used to conceal the cocaine) was located in the dashboard area of the "Load car" (Honda Pilot). The CS stated he/she observed Delmer PERPPULY utilizing a sequential step process to open the "trap". The sequential step process included turning various knobs and switches on the dashboard of the vehicle. As a result of the correct sequential step process, the "trap" opened revealing kilogram quantities of cocaine. Again, while this was occurring, the CS was equipped with a body transmitter allowing DEA Investigators to listen in as the crime was occurring. Also, the garage area of the residence was equipped with video and audio equipment that captured the crime as it was happening.



25. At approximately 4:24 PM, Delmer PERPULY begins opening the compartment and pulling the kilograms quantities of cocaine from the "Trap" (hidden compartment). At approximately 4:30 PM, investigator overheard Delmer PERPULY say "only 19", meaning there were only 19 kilograms and not 20. Delmer PERPULY tells the CS he has to make call. Investigators believe Delmer PERPULY was calling the Source of Supply in Mexico to make sure that was how many kilograms of cocaine were supposed to be in the compartment.

26. At approximately 4:31 PM, the CS informed TFO Lajack via a text message that the kilograms were out of the "Trap" which was contained within the "load car" (compartment/vehicle). At this time, TFO Lajack instructed investigators to make entry into the garage and arrest Delmer PERPULY and the CS. DEA Cleveland, LCNA, HIS, and EPD, opened the garage door, identified themselves as police officers and arrested Delmer PERPULY without incident. Delmer PERPULY was handcuffed and placed into the rear of an EPD marked cruiser. According to the CS, as investigators opened the garage, the CS stated Delmer PERPULY physically closed the "trap". The "Load car" (Honda Pilot) was towed by Bill's Towing to LCNA for storage and safekeeping. Agents located 15 kilograms of cocaine on the front seat of the Honda Pilot. The substance was field tested with a positive result for cocaine via NIK field test kit.

27. Following the arrest, investigators learned the driver who originally drove the "Load car" (Honda Pilot) from Chicago to Eastlake was at the El Palenque restaurant waiting. TFO Doug Jopek, TFO Lajack, BPD Patrolman Luke Combs, and members of LCNA arrested Paul AYALA who was sitting at a table without incident. TFO Giordano verbally advised AYALYA of his Miranda Warnings, which he waived and made the following generalized verbal statements. AYALA admitted he drove the Honda Pilot to the restaurant. He stated he was going to visit his girlfriend in Pittsburgh. AYALA also stated he lent the car to a friend, but refused to give the name of his friend who was borrowing the vehicle. AYALA was placed into handcuffs and brought over to the residence on East 337th Street by TFO Jopek and TFO Gioradano.

28. Concurrent to the arrest of Delmer PERPULY and AYALA, investigators attempted to arrest Cesar PERPULY, Ulises PERPULY, and BUSTAMANTE at the TownePlace Suites in Streetsboro, Ohio. Agents entered the TownePlace Suites and went directly to room

216. Upon arriving at room 216, investigators heard several subjects speaking in Spanish coming from inside the room.

29. TFO Jason Glover, attempted to open the door to room 216 with a key card provided by hotel management. While attempting to gain access to the room by investigators, TFO Glover and TFO Mike Wadlington heard what appeared to be the window blinds crashing against the interior window of room 216. Upon making entry into room 216, DEA Investigators discovered the room empty of any persons, but still contained the personal belongings of the former occupants.

30. TFO Ashley Tate was advised by hotel management that guests staying in room 116 observed several Hispanic males jumping from the window of room 216, a second floor room. DEA Investigators were able to determine that three males did jump out the window and flee across State Route 14 towards a shopping plaza. Investigators later determined Cesar PERPULY, Ulises PERPULY, and BUSTAMANTE fled on foot, ran into the local Walmart to evade law enforcement, and then over to the Wendy's restaurant. From the Wendy's restaurant, all three obtained a Lyft driver and drove in said Lyft driver. At this time, DEA Cleveland notified other DEA offices in the State of Ohio as well as the Ohio State Highway Patrol (OSHP) regarding these three individuals. In the Columbus, Ohio area, members of DEA Columbus and OSHP pulled the Lyft driver over on a traffic stop. At that time, BUSTAMANTE, Cesar PERPULY, and Ulises PERPULY were arrested without incident. The Lyft driver was identified as Justin Bonchek. He was interviewed by DEA Columbus. Bonchek stated he picked up the Hispanic males at the Wendy's in Streetsboro, Ohio, and was paid \$1,000.00 to drive them to Tucson, Arizona. Bonchek was then released.

31. At the conclusion of the operation, Delmer PERPULY, Cesar PERPULY, Ulises PERPULY, and Leonardo BUSTAMANTE were transported to the Cuyahoga County Jail and held there until they could be transferred to the United States Marshal Service for the initial appearance the following day.

32. On January 21, 2020, TFO Thomas Olson, who is also a United States Border Patrol Agent, checked the international border crossings of Paul AYALA (DOB: 06/03/1997). TFO Olson utilized various Department of Homeland Security computer databases to perform these functions.

33. Record checks revealed AYALA's last entry into the United States before his apprehension was on 01/15/2020 at the Nogales Port of Entry in Nogales, Arizona. They also show he entered in a vehicle Arizona plate CAN 1230. Checks shows the vehicle is registered to Jesus Ignacio AYALA with an address of 1270 W. Frontage Road in Rio Rico, Arizona.


34. The second occupant in the vehicle was Gilberto JIMENEZ (DOB: 11/24/1996). Record checks shows JIMENEZ was the intended consignee of 21 packages of fentanyl analogs at his residence totaling 32.97 kilograms. The packages were all seized at the Los Angeles International Airport.

35. The third subject in the vehicle was Ruben Antonio VEGA (DOB: 06/17/1997). No derogatory information was found on VEGA.

36. All evidence recovered was brought to the DEA Cleveland District Office and placed into evidence for storage and safekeeping per DEA policies and procedures.

#### CONCLUSION

Based upon the above listed facts and circumstances, Affiant has probable cause to believe, and does believe that Delmer PERPULY, Cesar PERPULY, Ulises PERPULY, Paul AYALA, and Leonardo BUSTAMANTE did knowingly possess with the intent to distribute over 5 kilograms of cocaine or more, a Schedule II narcotic controlled substance, in the Northern District of Ohio, Eastern Division, in Violation of Title 21 U.S.C. Sections 846, 841(a)(1) and (b)(1)(A) [Conspiracy to Possess with the intent to distribute and distribution of controlled substances Affiant therefore requests that an arrest warrant be issued for Delmer PERPULY, Cesar PERPULY, Ulises PERPULY, Paul AYALA, and Leonardo BUSTAMANTE.

  
Daniel Lajack  
Task Force Officer  
Drug Enforcement Administration

Sworn to before me on this 21<sup>st</sup> day of January, 2020.

  
JONATHAN D. GREENBERG  
UNITED STATES MAGISTRATE JUDGE